IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 33961 of 2006(R)

PETITIONER:

SHAJI P.K., S/O. P.K.MOIDU HAJI,
PARAKKANDY HOUSE, KAVUMMANNAM P.O.,
WAYANAD DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY SECRETARY TO GOVERNMENT,
   DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **KERALA PUBLIC SERVICE COMMISSION,**
   REPRESENTED BY THE SECRETARY,
   KERALA PUBLIC SERVICE COMMISSION, PATTOM,
   THIRUVANANTHAPURAM.

3. **THE DEPUTY DIRECTOR OF EDUCATION,**
   KASARGOD.

4. **THE DISTRICT OFFICER,**
   KERALA PUBLIC SERVICE COMMISSION, KASARGOD.

***ADDL.R5 IS IMPLEADED:**

R5. SUBASH E.K.,
PHYSICAL EDUCATION TEACHER,
GSBS, KUMBALA, KUMBALA P.O.,
KASARAGOD DISTRICT.

(*ADDL.R5 IS IMPLEADED AS PER ORDER DTD. 23/05/2007 IN I.A.NO.5034/07)

KSS

.2/-

***ADDL.R6 IS IMPLEADED:**

R6. SMT.VINAYA C.DHAMU,
PHYSICAL EDUCATION TEACHER,
G.H.S.S.MALOTH KASABA, P.O.MALOTH KASABA,
KASARAGOD DISTRICT.

(*ADDL.R6 IS IMPLEADED AS PER ORDER DTD. 6/07/07 IN I.A.NO.9265/07)

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC for R2, R4
SRI.BABU S. NAIR for Addl.R5
SRI.V.RAJENDRAN for Addl.R6
BY SR.GOVERNMENT PLEADER SRI. T.T.MUHAMOOD for R1 & R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.33961/2006 R

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE NOTIFICATION WHICH APPEARED IN MALAYALA MANORAMA THOZHIL VEETHI DTD. 10/03/2004.**

EXT.P2: **COPY OF THE RANKED LIST FOR THE POST OF PHYSICAL EDUCATIONAL TEACHER (UPS) (KANNADA MEDIUM) IN KASARAGOD DISTRICT.**

EX.T.P3: **COPY OF THE ADVICE MEMO DTD. 2/03/2006.**

EXT.P4: **COPY OF THE LETTER DTD. 21/07/2006 ISSUED BY THE DISTRICT OFFICER, PSC.**

EXT.P5: **COPY OF THE JUDGMENT DTD. 20/07/2006 IN WP(C) NO. 3291/2006.**

/TRUE COPY/

P.A.TO JUDGE

KSS

A.K.BASHEER, J.

W.P.(C)No.33961 OF 2006

Dated this the 3rd day of August, 2007

JUDGMENT

It is contended by the learned Government Pleader that in view of the intervening development, it may not be necessary for this court to consider the contentions of the parties on their merit. He submits that Mr. Gopalakrishna Bhatt who was initially recruited as Physical Education Teacher, (Kannada medium) in the High School section and continuing in the Upper Primary section, can be shifted back to High School Section. Resultantly, there will be a vacancy of a Physical Education Teacher in the Upper Primary section against which the petitioner can be accommodated. Thus, it is submitted by the learned Government Pleader that the entire imbroglio can be given a quietus, if appropriate directions are issued by this court recording the above submissions.

2. Having regard to the entire facts and circumstances and having heard learned counsel for the parties, I am

satisfied that appropriate directions can be issued in the light of the above submissions made by the Learned Government Pleader.

3. Respondent no.3 shall issue appropriate orders shifting Mr. Gopalakrishna Bhatt who is presently working as Physical Education Teacher (Kannada Medium) in the Upper Primary Section in Government Vocational Higher Secondary School, Kunjathur to Government Vocational Higher Secondary School for Girls, Kasargod or in any other suitable vacancy existing in the High School section. In the resultant vacancy in the Upper Primary section, petitioner shall be appointed. Appropriate orders in this regard shall be issued within four weeks from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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